

**DAY CALENDAR**  
**Wednesday, September 4, 2019 - 10:00 AM**  
**HON. SAMUEL L. GREEN COURTROOM**

769.0  
KA 18-00364

**PEOPLE**  
**V**  
**DENNIS T. SMITH**

Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Sr., A.J.), rendered August 1, 2017. The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the third degree.

**THERESA L. PREZIOSO for DENNIS T. SMITH** Submitted

**THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK** Submitted

770.0  
KA 19-00431

**PEOPLE**  
**V**  
**RADU TURNER**

Appeal from a judgment of the Onondaga County Court (Thomas J. Miller, J.), rendered July 14, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a controlled substance in the third degree.

**JOHN A. CIRANDO for RADU TURNER** 10 minutes

**BRADLEY W. OASTLER for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

771.0  
KA 15-02022

**PEOPLE**  
**V**  
**MORGAN TETRO**

Appeal from a judgment of the Oswego County Court (Walter W. Hafner, Jr., J.), rendered October 23, 2015. The judgment convicted defendant, upon a jury verdict, of grand larceny in the second degree, welfare fraud in the fourth degree, grand larceny in the third degree, offering a false instrument for filing in the first degree (two counts) and criminal tax fraud in the fourth degree (two counts).

**JARROD W. SMITH for MORGAN TETRO** 15 minutes

**LISA FLEISCHMANN for THE PEOPLE OF THE STATE OF NEW YORK** 15 minutes

772.0  
KA 17-00892

**PEOPLE**  
**V**  
**WILLIAM REDDICK**

Appeal from a judgment of the Onondaga County Court (Robert L. Bauer, A.J.), rendered March 24, 2017. The judgment convicted defendant, upon his plea of guilty, of burglary in the third degree (three counts).

**PHILIP ROTHSCHILD for WILLIAM REDDICK** 10 minutes

**NICOLE K. INTSCHERT for THE PEOPLE OF THE STATE OF NEW YORK** 10 minutes

773.0  
KA 16-02103

**PEOPLE**  
**V**  
**SARAH FERGUSON**

Appeal from a judgment of the Oneida County Court (Michael L. Dwyer, J.), rendered September 1, 2016. The judgment convicted defendant, upon a nonjury verdict, of manslaughter in the first degree, assault in the first degree (two counts) and gang assault in the first degree (two counts).

	PETER J. DIGIORGIO, JR., for SARAH FERGUSON	15 minutes
	STEVEN G. COX for THE PEOPLE OF THE STATE OF NEW YORK	10 minutes
774.0 KA 18-00365	<b>PEOPLE</b> V <b>DENNIS T. SMITH</b>	
	Appeal from a judgment of the Niagara County Court (Richard C. Kloch, Sr., A.J.), rendered August 1, 2017. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the fourth degree.	
	THERESA L. PREZIOSO for DENNIS T. SMITH	Submitted
	THOMAS H. BRANDT for THE PEOPLE OF THE STATE OF NEW YORK	Submitted
775.0 KA 18-00695	<b>PEOPLE</b> V <b>MICHAEL LABADEE</b>	
	Appeal from a judgment of the Yates County Court (Jason L. Cook, J.), rendered December 19, 2017. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree.	
	JOHN A. CIRANDO for MICHAEL LABADEE	10 minutes
	R. MICHAEL TANTILLO for THE PEOPLE OF THE STATE OF NEW YORK	5 minutes
776.0 CAF 18-01199	<b>In the Matter of</b> <b>BRIANNA B.</b>	
	Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered May 18, 2018. The order adjudged that the pending petition for adoption of the subject child may proceed without the consent of respondent Shacoya L.	
	PETER J. DIGIORGIO, JR., for SHACOYA L.	15 minutes
	VINCENT J. ROSSI, JR., for SWAZETTE S.	10 minutes
	THOMAS F. O'BRIEN for STACEY B.	Submitted
	PAUL A. NORTON, ATTORNEY FOR CHILD	Submitted
777.0 CAF 18-00298	<b>STEPHANIE LIN ROSENDAHL</b> V <b>RICHARD ALLEN WINN, III</b>	
	Appeal from an order of the Supreme Court, Oswego County (Norman W. Seiter, Jr., J.), entered November 14, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, denied the petition seeking a modification of custody.	
	MICHAEL G. CIANFARANO for STEPHANIE LIN ROSENDAHL	15 minutes
	RICHARD ALLEN WINN, III, for HIMSELF	Submitted
	ANTHONY J. DIMARTINO, JR., ATTORNEY FOR CHILD	15 minutes
778.0 CAF 18-01132	<b>RUSSELL R.</b> V <b>ONEIDA COUNTY DSS</b>	

Appeal from an order of the Family Court, Oneida County (Julia M. Brouillette, J.), entered March 6, 2018 in a proceeding pursuant to Family Court Act article 4. The order denied the petition seeking to reopen an order of filiation dated June 7, 1999

PETER J. DIGIORGIO, JR., for RUSSELL R. Submitted

DENISE J. MORGAN for ONEIDA COUNTY DSS Submitted

779.0  
CAF 18-00056

CASEY KELLER  
V  
JESSICA M. KELLER

Appeal from an order of the Family Court, Onondaga County (Karen J. Stanislaus, R.), entered November 29, 2017 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject child.

JOHN A. CIRANDO for JESSICA M. KELLER 10 minutes

STUART JAMES LAROSE for CASEY KELLER 10 minutes

MICHAEL J. KERWIN, ATTORNEY FOR CHILD 10 minutes

780.0  
CA 19-00503

JESICA LEONARD  
V  
MOTOR VEHICLE ACCIDENT INDEMNIFICATION

Appeal from an order of the Supreme Court, Monroe County (Debra A. Martin, A.J.), dated September 12, 2018. The order granted petitioner's application for leave to serve a late notice of claim upon the respondent.

WILLIAM S. BADURA for MOTOR VEHICLE ACCIDENT INDEMNIFICATION 10 minutes

JASON ABBOTT for JESICA LEONARD 10 minutes

781.0  
CA 18-02231

DONNA E. WHITE  
V  
LAURENCE A. CONNORS

Appeal from an order of the Supreme Court, Onondaga County (Donald A. Greenwood, J.), entered November 15, 2018. The order, insofar as appealed from, denied the motion of defendants David P. Grice and Katlyn M. Grice for summary judgment.

SIDNEY P. COMINSKY for DONNA E. WHITE Submitted

DAVID HENRY WALSH, IV for DAVID P. GRICE 15 minutes

KEITH D. MILLER for LAWRENCE A. CONNORS 10 minutes

ANNA ROBBINS for PHILIP CLAYTON 15 minutes

782.0  
OP 18-02035

ANDIS R. ZELTINS  
V  
HON. JASON L. COOK

Proceeding pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Fourth Judicial Department pursuant to CPLR 506 [b] [1]) to annul a determination of respondent. The determination denied the application of petitioner for a pistol permit.

BRIAN T. STAPLETON for ANDIS R. ZELTINS Submitted

WILLIAM E. STORRS for HON. JASON L. COOK Submitted

783.0  
CA 18-00037

**JOSEPH S.  
V  
STATE OF NEW YORK**

Appeal from an order of the Supreme Court, Oneida County (Charles C. Merrell, J.), entered December 4, 2017. The order, inter alia, committed petitioner to a secure treatment facility.

GUY A. TALIA for JOSEPH S. 10 minutes

JONATHAN D. HITSOUS for STATE OF NEW YORK 10 minutes

784.0  
TP 19-00440

**ANTHONY PUGLIESE  
V  
HOWARD ZUCKER**

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Onondaga County [Gregory R. Gilbert, J.], entered December 11, 2018) to review a determination of respondent. The determination denied petitioner's application for Chronic Care Medical Assistance benefits.

ANTHONY A. MARRONE, II, for ANTHONY PUGLIESE 10 minutes

JONATHAN D. HITSOUS for HOWARD ZUCKER 10 minutes

785.0  
CA 18-01778

**CONSTELLATION ENERGY GROUP  
V  
RODNEY J. WRAY**

Appeal from a judgment of the Supreme Court, Monroe County (Renee Forgensi Minarik, A.J.), entered February 22, 2018. The judgment awarded plaintiff money damages upon a nonjury verdict.

FRANK T. HOUSH for RODNEY J. WRAY 15 minutes

JOHN A. CIRANDO for CONSTELLATION ENERGY GROUP 10 minutes

786.0  
CA 18-01304

**STEPHEN FOX  
V  
TOWN OF GENEVA ZBA**

Appeal from a judgment (denominated order and judgment) of the Supreme Court, Ontario County (Frederick G. Reed, A.J.) entered May 7, 2018 in a CPLR article 78 proceeding. The judgment, among other things, dismissed the first cause of action alleged in the verified petition/complaint.

JOHN A. MANCUSO for STEPHEN FOX 15 minutes

DAVID HENRY WALSH, IV for TOWN OF GENEVA ZBA 15 minutes

787.0  
CA 19-00450

**STEPHEN FOX  
V  
TOWN OF GENEVA ZBA**

Appeal from a judgment (denominated order) of the Supreme Court, Ontario County (Frederick G. Reed, A.J.) entered February 11, 2019 in a CPLR article 78 proceeding. The judgment denied petitioner's motion to renew.

JOHN A. MANCUSO for STEPHEN FOX Submitted

DAVID HENRY WALSH, IV for TOWN OF GENEVA ZBA

Submitted

788.0  
CA 19-00372

**BENEFICIAL HOMEOWNER SERVICE CORP.**  
V  
**KEYBANK NATIONAL ASSOCIATION**

Appeal from an order of the Supreme Court, Jefferson County (James P. McClusky, J.), entered September 24, 2018. The order, insofar as appealed from, denied the motion of plaintiff for summary judgment.

CHAD W. FLANSBURG for BENEFICIAL HOMEOWNER SERVICE CORP.

10 minutes

KEITH B. CAUGHLIN for ROBERT E. LAKE

10 minutes

789.0  
CA 18-01477

**NOWELLE BIGELOW**  
V  
**HAMILTON MEDICAL, INC.**

Appeal from an order of the Supreme Court, Onondaga County (Gregory R. Gilbert, J.), entered July 30, 2018. The order denied the motions of the defendants Michael L. Kirsch, M.D., James Stoughton, M.D., and our Lady of Lourdes Memorial Hospital, Inc., for summary judgment.

JAMES S. GLEASON for MICHAEL L. KIRSCH, M.D.

10 minutes

CARYN ELISE LILLING for JAMES STOUGHTON, M.D.

15 minutes

PETER C. PAPAYANAKOS for NOWELLE BIGELOW

15 minutes

JAMES M. WOOLSEY, III for HAMILTON MEDICAL, INC.

15 minutes

JOSEPH M. SPADOLA for HOLLY PAYNE, RT

10 minutes

789.1  
CAE 19-01477

**ROCHESTER CITY SCHOOL DISTRICT**  
V  
**CITY OF ROCHESTER**

Appeal from an order and judgment (one paper) of the Supreme Court, Monroe County (J. Scott Odorisi, J.), entered August 2, 2019 in a proceeding pursuant to CPLR article 78. The order and judgment, among other things, granted the verified petition; declared that Local Law No. 4 is invalid and that the ensuing Referendum is a void advisory referendum; and issued a permanent injunction barring the advisory referendum from being included on the ballot for the November General Election.

PATRICK N. BEATH for CITY OF ROCHESTER

10 minutes

ALISON K.L. MOYER for ROCHESTER CITY SCHOOL DISTRICT

10 minutes